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Co-Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION
ANTITRUST LITIGATION**

Civil Case No. 3:07-cv-05634-CRB

MDL No. 1913

**This Document Relates To:

ALL ACTIONS**

**PLAINTIFFS' ADMINISTRATIVE MOTION
TO EXTEND DEADLINE TO DISTRIBUTE
NET SETTLEMENT FUNDS**

1 **I. INTRODUCTION**

2 Pursuant to Rules 7-11 of the Local Rules of Practice in Civil Proceedings before the
3 United States District Court of the Northern District of California, Plaintiffs hereby submit the
4 following motion for administrative relief, requesting that the Court extend the deadline for
5 distribution of the net settlement funds from February 24, 2022 to March 17, 2022.

6 **II. DISCUSSION**

7 On February 3, 2022, the Court entered an order granting Plaintiffs' motion to distribute
8 the net settlement funds and overruling Financial Recovery Services' objection thereto (ECF No.
9 1327) ("Order"). The Order provided, in relevant part, "Pursuant to this district's Procedural
10 Guidance on Class Action Settlements, within 21 days of this order, class counsel will submit a
11 Post-Distribution Accounting detailing the status of distribution." Order at 3. The Order therefore
12 requires distribution of the net settlement funds on or by February 24, 2022.

13 Although Lead Counsel for Plaintiffs believe any appeals from the Order would be
14 meritless, legally the appeal period is 30 days, or until March 7, 2022. Fed. R. App. P. 4(1)(A);
15 28 U.S.C. § 1291; *see also* 4 Newberg on Class Actions § 13:36 (5th ed.) ("Class members whose
16 objections are rejected by the district court may seek to appeal that rejection. The district court's
17 order denying objections is typically a final judgment approving the settlement. As such, it is an
18 appealable order.").

19 Lead Counsel and the claims administrator, Rust Consulting, Inc. ("Rust"), are prepared
20 to distribute the net settlement funds by February 24, 2022 per the Court's Order but, given that
21 there may be a right to appeal until March 7, 2022 (*i.e.*, the first business day after the appeal
22 period), Lead Counsel believes that it would be more appropriate to distribute the net settlement
23 funds after the appeal deadline has passed.

24 Lead Counsel therefore proposes that distribution occur on or before March 17, 2022. This
25 will provide Rust and the print vendor 10 days from the end of the appeal period to print and mail
26 checks to class members eligible for payment from the net settlement funds. Lead Counsel also
27 proposes submitting a Post-Distribution Accounting detailing the status of distribution 21 days
28 later, or on or before April 7, 2022.

1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiffs request the Court extend the deadline for distribution
3 of the net settlement funds from February 24, 2022 to March 17, 2022

4
5 Dated: February 14, 2022

Respectfully submitted,

6 /s/ Adam J. Zapala

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